

REMARKS

Applicant respectfully requests consideration of the application in view of the following remarks and amendments.

Information Disclosure Statement

Applicant has attached copies of non-patent references Koiso et al. and Shiode N. et al. as requested in the office action.

Claim Status

Claims 1-20 are pending in the application and claims 1-10, 12, 13 and 16-20 stand rejected. Claims 11, 14, and 15 are objected to as being dependent upon a rejected base claims.

Claim Amendment

Applicant has canceled duplicate Claim 3. Claims 1, 6, 7, 12, and 16 are amended to more clearly recited that data objects are grouped within the displayed three-dimensional environment dependent on a selected arrangement scheme. This amendment is supported by the present application on page 8, paragraph 23 and Figs. 5A-5D.

Rejections under 35 U.S.C. § 102(b)

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1, 2, 6, 8, 9, 12, 13, and 16-18 allegedly stand rejected under 35 U.S.C. 102(b) as being anticipated by Ernel et al. (US Patent No. 5,835,094). This rejection is respectfully traversed because the claimed invention as set forth in Claims 1, 12, and 17 and the claims that depend therefrom are patentably distinguishable over the disclosure contained in the Ernel document.

The present invention as recited in Claim 1 is a method for browsing a plurality of data objects displayed within a three-dimensional graphical environment. As recited in amended Claim 1 a plurality of selectable *data object arrangement* schemes are provided and images corresponding to the data objects are grouped within the three-dimensional environment dependent on one of the selected arrangement schemes. Referring to the specification on page 8, paragraph 23 "different arrangement schemes correspond to way of relating data objects to one another within a database so as to group the data objects dependent on their relations." Figs. 5B and 5D show examples of different arrangements of data objects corresponding to movie videos dependent on a selected data object scheme. Specifically, Fig. 5B shows images representing movie videos grouped dependent on a selected data object arrangement scheme which corresponds to the director of each of the movies. As shown, a three dimensional environment is partitioned such that each partitioned area includes a group of videos directed by a specific director. Fig. 5D shows an alternative arrangement scheme in which videos are grouped according to movie genre. For instance dramas are grouped within the same area, comedies are grouped within another area, etc. Hence, as recited in Claims 1, 12, and 17 images representing data objects are grouped within the three-dimensional environment dependent on one of the selected arrangement schemes.

In contrast, Ernel et al., in part, pertains to a method for displaying computer files (e.g., data objects) using different "metaphor" themes. For instance, one theme is a desk where a "desk has files (represented by icons of document sheets) and stacks of the same types of documents" (e.g., stack 20), column 6, lines 26-29 and Fig. 1. Ernel further describes using different metaphor themes to display containers, documents, applications, and stacks. For instance, instead of a displaying a stack (20) of documents on a desk (Fig. 1), a stack of computer files can be displayed as clustered spaceships (706, Fig. 7), a cluster of animals (806, Fig. 8), or a nest of eggs (906, Fig. 9).

Ernel et al. neither describes nor suggests selecting different themes in order to provide different groupings of images corresponding to data objects as recited in Claims 1, 12, and 17 of the present invention. In other words, employing different themes according to Ernel results in the same groupings of objects. In contrast, employing different *arrangement*

schemes according to the present invention results in data objects being grouped differently according to the selected scheme. Since Ernel et al. does not teach each and every element of the claimed invention, the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over Ernel et al.

Rejections under 35 U.S.C. § 103(a)

The test for determining if a claim is rendered obvious by one or more reference for purposes of a rejection under 35 USC § 103 is set forth in MPEP S 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claims 3-5, 7, 10, 19, and 20 allegedly stand rejected under 35 U.S.C. 103(a) as being unpatentable over Ernel et al. (US Patent No. 5,835,094) and Amadio et al. (US2002/0075312). This rejection is respectfully traversed.

Amadio et al. pertains to a method of displaying files and providing a way of sorting the files by user selectable properties (abstract). Amadio et al. shows displaying the files or items as a listing as shown in Figs. 2 and 3. Amadio also describes ordering tiles (e.g., files) by sorting according to tile property (paragraph 36). However, Amadio et al. only shows a linear listing of files (Fig. 2 and 3), and consequently the sorting as described in Amadio's disclosure only pertains to a linear ordering of files. Moreover, Amadio associates sorting with the ordering of tiles. As described by Amadio et al. "By selecting one of these sort properties, the user may sort the tiles and display the *sort order* on the window" [emphasis added].

This type of linear ordering is not the same as the three-dimensional grouping of images representing data objects as recited in Claims 1-20 and shown in Figs. 5A-5D of the present invention. Moreover, since Amadio et al. only pertains to a linear listing of files, Amadio teaches away from being combined with the three dimensional environment described by Ernel et al.

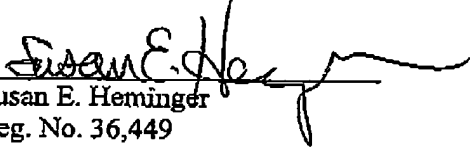
Ernel et al. also does not provide any motivation or suggestion for grouping files according to user selected properties. Ernel's disclosure is primarily concerned with changing schemes for ascetic purposes. Ernel et al. is not at all concerned with sorting or arranging data objects.

Hence, since no motivation or suggestion is provided to combine Ernel et al. and Amadio et al. and neither Ernel et al. nor Amadio et al. teach or suggest the present invention as recited in Claims 3-5, 7, 10, 19, and 20, these claims are not unpatentable over Ernel et al. (US Patent No. 5,835,094) and Amadio et al. (US2002/0075312).

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Respectfully submitted,

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